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#5  
6-20-03  
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## FACSIMILE COVER SHEET

**DATE:** July 17, 2003

**TO:** Examiner John Cabeca,  
USPTO GPAU 2173

**FAX NO.:** 703-746-7239

**FROM:** J. Gustav Larson

**RE:** U.S. App. No. 09/781,127

**NUMBER OF PAGES (including Cover Sheet):** 3

**MESSAGE:**

### *LETTER TO EXAMINER*

Please find attached:

Correspondence Regarding Withdrawal of Non-Publication Request (2 pp.)

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#### CONFIDENTIALITY NOTE

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Ian Richards and Joy Palmer

Title: INTERACTIVE METHOD AND SYSTEM FOR HUMAN NETWORKING

App. No.: 09/781,127 Filed: February 9, 2001

Examiner: John W. Cabeca Group Art Unit: 2173

Atty. Dkt. No.: 1435.0100101 Conf. No.: 1701

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**CORRESPONDENCE REGARDING WITHDRAWAL  
OF NON-PUBLICATION REQUEST**

Dear Sir:

On February 9, 2001, patent application 09/781,127 (hereinafter '127) was filed with the United States Patent and Trademark Office claiming priority to provisional U.S. application 60/182,107. Submitted with the '127 patent application was a Request for Non-Publication. Subsequent to the filing of the '127 patent application, it was learned that the Request for Non-Publication was submitted in error, in that a related foreign application had been filed prior to the U.S application. However, it was also learned that the foreign application was abandoned.

Upon learning of the filing of the foreign application, a Request to Rescind Previous Non-Publication Request under 35 U.S.C.122(b)(2)(B)(ii) was submitted using PTO Form PTO/SB/36 (11-00). In this regard, since the filing of a related application in a foreign country occurred prior to the filing of the '127 application, it is believed that the provisions of 35 U.S.C. 122(b)(2)(B)(iii) are not applicable, because Section 122(b)(2)(B)(iii) clearly states:

(iii) An applicant who has made a request under clause (i) but who subsequently files, in a foreign country or under a multilateral international agreement specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional. (Emphasis added)

Therefore, the use of the PTO form PTO/SB/36 (11-00), which rescinds the non-publication request, but may not provide notice under 35 U.S.C.130(B)(iii) of a subsequent foreign filing, is believed to have been the proper corrective action.

Given the specific facts of the matter herein, it is believed that the '127 application is legally pending, and that no petition or further notice is needed. This Correspondence is submitted in the spirit of 35 USC §122 and 37 CFR §1.211 and for full disclosure of facts relating to the foreign filing of the '127 application. If the Office believes notice of the previous foreign filing is required, please consider this correspondence to provide such notice.

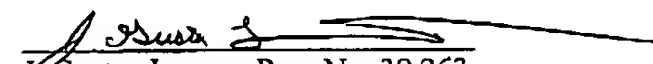
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on 6-17-03.

Katrina Prati  
Typed or Printed Name

  
Signature

Respectfully submitted,

  
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